

REMARKS

Claims 1, 3 and 7-29 are pending in the application. By this Amendment, claims 1, 9, 11 and 15 are amended and new claims 28-29 are added. Support for the claims can be found throughout the specification, including the original claims and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

I. Allowable Subject Matter

The Examiner is thanked for the indication that claims 17-21 are allowed, and that claims 8-12, 14-16 and 23-27 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, for the reasons set forth below, claims 8-12, 14-16 and 23-27 have not been rewritten in independent form at this time.

II. Rejection Under 35 U.S.C. §102(e)

The Office Action rejects claims 1, 3, 7, 13 and 22 under 35 U.S.C. §102(e) over U.S. Patent No. 6,705,330 to Favret (hereinafter “Favret”). The rejection is respectfully traversed.

Independent claim 1 is directed to a dishwasher which includes a valve assembly. Independent claim 1 recites that the valve assembly comprises a first guide portion and a second guide portion that are coupled together to form a valve assembly housing which is separate from the pump. Favret neither discloses nor suggests at least such features, let alone the claimed combination of features.

Favret discloses a combined pump and distribution valve 5 for a dishwasher. The pump/valve assembly is housed within the inner confines of a pump body formed by upper and

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lower portions 2 and 3. The body includes a first outlet 51 leading to a first conduit 61 that supplies wash liquid to a rotating spray arm at an upper portion of the dishwasher, a second outlet 52 leading to a second conduit 62 that supplies wash water to a rotating spring arm of a bottom portion of the dishwasher, and a third outlet 53 leading to a third conduit 63 that supplies wash water to another spray arm at the upper portion of the dishwasher. Thus, both the first conduit 61 and the third conduit 63 lead to spray arms at the upper portion of the dishwasher. A ball 8 functions as a shutter portion of the valve 5, selectively blocking the outlets 51, 52 and 53 based on the operation of a pump 4.

It appears the Examiner has drawn a comparison between the upper and lower portions 2 and 3 which form the pump body, and the first and second guide portions recited in independent claim 1. However, the upper and lower portions 2 and 3 define a body which encloses both the pump 4 and the distribution valve 5 (including the ball 8 and outlets 51, 52 and 53). Thus the upper and lower portions 2/3 of the housing clearly do not form a valve assembly housing which is separate from the pump 4, as recited in independent claim 1. For at least this reason, it is respectfully submitted that claim 1 is allowable.

Claims 3, 7 and 13 depend from claim 1 and are allowable for at least the same reasons given above for claim 1. In addition, these claims also recite that an inlet hole formed in the first guide portion is coupled to a supply pipe. As noted above, in the Favret assembly, there is no separate supply pipe that couples the valve to a separate pump. It is respectfully submitted that claims 3, 7 and 13 are also allowable for these additional reasons.

Independent claim 22 is directed to a dishwasher which includes a valve assembly. Independent claim 22 recites that the valve assembly comprises a passage that forms a horizontally arranged circuit passing from an inlet from the pump to a first outlet to one of the top and bottom nozzles, then from the first outlet to a second outlet to the other of the top and bottom nozzles, and then from the second outlet back to the inlet. Claim 22 further recites a ball that is configured to move along the passage to sequentially block the first and second outlets. As set forth above, Favret neither discloses nor suggests at least such features, let alone the claimed combination of features.

More specifically, Favret discloses that the ball 8 moves amongst various positions blocking either the first, second or third outlet 51, 52, 53, or along an inclined surface 9, based on an operation speed and water pressure produced by the pump 4. For example, the ball 8 is shown in its at rest position at the bottom of the inclined surface 9 in Figure 1 of Favret, blocking the first conduit 61 and forcing water up into the second conduit 62 as the pump 4 operates. Depending on the speed and pressure developed by the pump 4, water may also be forced into the third conduit 63 while the ball 8 blocks the first conduit 61.

A calibrated passage 55 is formed at the first outlet 51 which allows a small amount of water to flow into the first conduit 61, even when it is blocked by the ball 8, thus slowly filling the first conduit 61. When the pump 4 stops, water accumulated in the conduits 61, 62, 63 backflows, and the water in the first conduit 61 forces the ball 8 up the inclined surface 9, somewhere between the first and second outlets 51 and 52. At this point in the wash sequence,

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if the pump 4 is powered again, the ball 8 moves to the second outlet 52, and water instead flows into the first and third conduits 51 and 53, as shown in Figure 2 of Favret. The force and duration of the pump's operation coupled with the amount of backflow water accumulated in the conduits 61, 62, 63 determine whether the ball 8 remains in place at its current outlet, or moves to another of the outlets, and if so, to which outlet. For example, with sufficient pressure and backflow the ball 8 may be forced into a recess 7 so as to block the third conduit 63, as shown in Figure 3 of Favret.

The ball 8 moves in both horizontal and vertical directions within the space between the first, second and third outlets 51, 52, 53. Further, this space is open and does not form any type of defined passage, let alone a horizontally arranged passage, which would guide the ball 8 sequentially from one outlet to the next, thus forming a circuit. Further, the ball's movement is limited to positions proximate or adjacent to the outlets 51, 52, 53. The ball 8 does not, at any point in time, block an inlet leading into the pump 4 or the pump body formed by the upper and lower portions 2, 3, nor is there any connection or access to any such inlet from the valve 5 or any of the outlets 51, 52, 53.

Thus, it is respectfully submitted that Favret neither discloses nor suggests that the valve 5 includes any type of passage formed therein, let alone a passage that forms a horizontally arranged circuit, and particularly a horizontal circuit arranged as recited in independent claim 22.

In view of the foregoing, it is respectfully submitted that the rejection of claims 1, 3, 7, 13 and 22 under 35 U.S.C. §102(e) over Favret should be withdrawn.

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III. New Claims 28-29

By this Amendment, claims 28-29 are added to the application. Claims 28-29 depend from claim 1 and are allowable for all the reasons given above with respect to claim 1, and for all the additional features they recite.

CONCLUSION

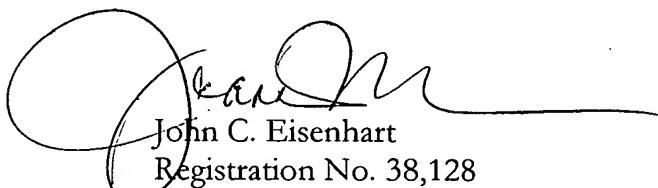
In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition, the Examiner is invited to contact **JOANNA K. MASON**, at the telephone number listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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